MINUTES OF REGULAR TOWN BOARD MEETING HELD ON FEBRUARY 4, 2015 AT 7:00 PM AT TOWN HALL, ONE OVEROCKER ROAD POUGHKEEPSIE, NEW YORK

PRESENT: Supervisor Tancredi

Councilman Baisley
Councilman Carlos
Councilman Conte
Councilman Cifone
Councilman Krakower
Councilwoman Shershin
Town Attorney Nelson
Town Clerk Salvatore

• NOTE: Attachments pertaining to a particular Town Board Meeting will be found after the final minutes of that meeting, which are kept in the official Minute books, held in the Town Clerk's Office.

{ } designates corrections or amendments to

7:00 PM CALL TO ORDER SALUTE THE FLAG

Supervisor Tancredi: I have one proclamation I would like to read and like to ask Dr. Irvin Miller if he would come up. Dr. Miller is the Director of Math and Physics Exploration and we have a proclamation for him.

Supervisor Tancredi: March 14th is globally known as Math Recognition Month. So, I have a proclamation to read:

PROCLAMATION

WHEREAS, "Pi-Day" is observed annually on March 14th through out the world commemorating the mathematical constant (pi); and

WHEREAS, the Town of Poughkeepsie is proud to proclaim that March 14th will be MATH RECOGNITION DAY in the Town of Poughkeepsie; and

WHEREAS, Math and Physics Exploration, Inc. will select the students to be recognized annually using the Twelve Laborers of Minerva examination: now therefore be it

RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby enthusiastically proclaim March 14th as Math Recognition Day; and

BE IT FURTHER RESOLVED, that originally signed proclamations be forwarded under the Great Seal of the Town of Poughkeepsie, Dutchess County, State of New York.

DATED: POUGHKEEPSIE, NEW YORK

February 4, 2015

BY: TODD N. TANCREDI, Supervisor

PHOTO WAS TAKEN OF DR. IRVIN MILLER AND BOARD

Motion was made to suspend the rules for public speaking on Agenda Items: Supervisor Tancredi/J. Conte

CARRIED: 7-0

Doreen Tignanelli: I have a question on Agenda Item #1 about the DeGarmo Road item. I have a question on the handout that was just given out. Will there be a chance to ask that question after the presentation? (Yes)

Motion made to resume the rules: Supervisor Tancredi/J. Conte

CARRIED: 7-0

02:04-01 PRESENTATION

By Dutchess County Public Works Re: Bridge On County Route 43/Degarmo Road

Robert Balkind, Deputy Commissioner of Public Works for Dutchess County and Matt Dutcavich, Project Engineer regarding the Bridge Project on DeGarmo Road were present to speak on the project.

Robert Balkind: Basically we need to replace the bridge superstructures as opposed to the full bridge replacement. The superstructure is the top layer of the bridge as opposed to the abutments and wing walls on the sides of the bridge and bottom of bridge. We are not going to be going down as far as the foundations. We are going to be taking off essentially the big concrete beams and replace them with new beams. The bridge has been identified as in need of superstructure replacement. The DOT in their biennial inspection program has identified the beams as rated "4" which is a poor condition structure and these bridges are significant.

DeGarmo Road carries in the order of close to 10,000 vehicles a day and is a significant connector for all who live in this area. It is a significant connector road between Route 44 and 55. There is some evidence now there is some structural distress in some of the beams on the bridge. We want to address this now in a controlled project rather than do an emergency closure and have to address it in an emergency situation where we're not prepared to act on it. So, we're seeking to do

that. In addition to the super structure, the upper portion of the bridge that is in distress, the footings of the bridge have been suffering from scour and erosion due to high flood events. About four or five years ago we had to do a mitigation project underneath the bridge to repair a significant scour situation that we found. A good portion of the northern abutment of the bridge near the golf center was significantly undermined and it would compromise the structural integrity of the bridge. We did a project to fill that scour pocket underneath the bridge footing with concrete, which we knew was a temporary fix and ultimately scour would have to be addressed on a long term basis. We are also going to be doing the bridge south of the double bridge. There are two bridges in this project. The double bridge, the two span bridge near the golf center and the one just south of that near the drive-in theatre. We are going to be doing both bridges at the same time. Both bridges were built around 1971, which makes them about 45 years old. Typically bridges would last 70 to 75 years, so we are not quite at the end of the bridges life and that is why we are going to retain the sub structures, meaning abutments and footings. Those do not have to be replaced, but we will be addressing scour. Both bridges were built at the same time.

The presentation and question period continued for approx. 30 minutes. Topics included endangered species of bats, tree clearing, traffic impacts, wetlands, flooding, detours, right of ways and scheduling. Councilman Conte & Supervisor Tancredi expressed concerns regarding the impact that the road closure would have on Town residents in the surrounding neighborhoods.

GO TO <u>www.townofpoughkeepsie.com</u>, and follow the link on the "Meetings" page to view the entire presentation on "You Tube"

02:04-02 ACCEPT

Resignation Of P.O. Jacqueline Blumfield

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept, with regret, the resignation of P.O. Jacqueline J. Blumfield from the Town of Poughkeepsie Police Department, effective February 10, 2015.

SO MOVED: J. Baisley/W. Carlos

Supervisor Tancredi: This Police Officer got a job in another Municipality.

ROLL CALL: Ayes: Councilmen Baisley, Carlos, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi
Nays: None
CARRIED: 7-0

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept, with regret, the resignation of Matthew Conrad from the Town of Poughkeepsie Highway Department, effective January 21, 2015.

SO MOVED: W. Carlos/J. Conte

ROLL CALL: Ayes: Councilmen Baisley, Carlos, Conte, Cifone, Krakower,

Councilwoman Shershin and Supervisor Tancredi

Nays: None CARRIED: 7-0

02:04-04 APPOINT

Cody Wilkinson – Water Department

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Cody Wilkinson to the position of Laborer – Full Time Permanent with the Water Department at the yearly salary of \$35,595, which appointment will become effective February 7, 2015 and which appointment is subject to a probationary period of not less than 8 nor more than 26 weeks per Civil Service Law; and

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to execute and file all documentation required by the Dutchess County Department of Human Resources in connection with this appointment.

SO MOVED: J. Conte/M. Cifone

ROLL CALL: Ayes: Councilmen Baisley, Carlos, Conte, Cifone, Krakower, Councilwoman Shershin and Supervisor Tancredi

Navs: None CARRIED: 7-0

02:04-05 AUTHORIZE

Bonding Counsel Services-Douglas Goodfriend

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby retain Douglas Goodfriend of Orrick, Herrington & Sutcliffe, LLP for bond counsel services for the project known as Arlington Sewer Improvement Area No. 1 – Sale to EFC, with the cost not to exceed \$25,000 and as detailed in the annexed proposed retainer letter, and

BE IT FURTHER RESOLVED, that the Town Board finds it to be in the best interest of the Town to retain Douglas Goodfriend of Orrick, Herrington & Sutcliffe, LLP, to perform these professional services, without the solicitation of alternate proposals; and

BE IT FURTHER RESOLVED, that the aforesaid services are a Type II Action requiring no SEQRA review.

SO MOVED: M. Cifone/S. Krakower

Supervisor Tancredi: The Town is hoping to finance this project through EFC which will hopefully save us a 1% over what we might otherwise do and right now the rates are very attractive, so—

ROLL CALL: Ayes: Councilmen Baisley, Carlos, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi
Nays: None CARRIED: 7-0

02:04-06 AUTHORIZE

Tax Certiorari Settlement – Vieira Sardinha Realty

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the settlement of the tax certiorari proceedings instituted by Vieira Sardinha Realty, LLC for the tax assessment roll of 2014 as shown on the attached Consent Judgment; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize Todd N. Tancredi, Supervisor, Karen E. Hagstrom of Corbally, Gartland & Rappleyea, LLP and Kathleen Taber, Town Assessor, to sign such papers as are necessary to effectuate said settlement.

SO MOVED: S. Krakower/M. Cifone

Supervisor Tancredi: The total Town refund on this project is \$5,538.

Councilman Krakower: The reduction is \$600,000?

Supervisor Tancredi: I think it is, Yes, it is. It's Dunkin Donuts on Rt. 9.

I talked to our Attorney on this and actually our Assessor, we had our appraiser out there and they actually wanted less than this amount and that's where they ended up.

ROLL CALL: Ayes: Councilmen Baisley, Carlos, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi
Nays: None
CARRIED: 7-0

TAX CERTIORARI REFUND LIABILITY ATTACHED TO FINAL BOOK COPY

02:04-07

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby grant Special Consent to the following items; to wit:

`1. Notification The following claim has been referred to Legal Department:

- 1. Pagan V. Town of Poughkeepsie
- 2. Pramnicks V. Town of Poughkeepsie

AND BE IT FURTHER RESOLVED, that upon the objection of any member of the Town Board, an item may be removed from the list and voted on separately.

SO MOVED: A. Shershin/S. Krakower

Supervisor Tancredi: Another item has been added, which is the retention of Beth A. Ferguson of Capital Markets Advisors, LLC to provide financial advisory services for the project known as Arlington Sewer Improvement Area No. 1.

ROLL CALL: Ayes: Councilmen Baisley, Carlos, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi
Navs: None CARRIED: 7-0

02:04-SC-01 NOTIFICATION

The Following Claim Has Been Referred to the Legal Department

- 1. Pagan V. Town
- 2. Pramnicks V. Town

NOTED BY TOWN BOARD

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby retain Beth A. Ferguson of Capital Markets Advisors, LLC to provide financial advisory services for the project known as Arlington Sewer Improvement Area No. 1-Sale to EFC, as well as for other public financings, as detailed in the annexed proposed retainer letters, and

BE IT FURTHER RESOLVED, that the Town Board finds it to be in the best interest of the Town to retain Beth A. Ferguson of Capital Markets Advisors, LLC, to perform these professional services, without the solicitation of alternate proposals, and

BE IT FURTHER RESOLVED, that the aforesaid services are a Type II Action requiring no SEQRA review.

SO MOVED: Supervisor Tancredi/J. Conte

ROLL CALL: Ayes: Councilmen Baisley, Carlos, Conte, Cifone, Krakower,
Councilwoman Shershin and Supervisor Tancredi
Nays: None
CARRIED: 7-0

Motion made to suspend the rules for public speaking on Town issues: Supervisor Tancredi/M. Cifone

CARRIED: 7-0

Joe Armstrong: I have a couple of questions on Item 5. The Bonding Counsel, what does that cover?

Supervisor Tancredi: When we go out to bond, they are the ones that do that for us, sell the bonds and advertise.

Councilman Krakower: We've been using them for years.

Joe Armstrong: The consent item, can you explain more about that?

Supervisor Tancredi: We've used her for years as well. What she will do, is when we go to EFC, there is just reams of paperwork we need to pull together for that part of the application, she will do that for us.

Joe Armstrong: The reason I'm asking the question. The Country Club Estate project, that's not being billed to the people yet, is it?

Supervisor Tancredi: That's not part of this. This is just Arlington Sewer Treatment Plant. That will be coming before too long.

Joe Armstrong: So, I've got to go to the Tax Department to find out why the improvement charge on my tax bill has gone up considerable. With my value going down.

Supervisor Tancredi: If you go to our Tax Department or Jim Wojtowicz, our Comptroller, he will answer that.

Ed Sayago: We are here to discuss a concern for the New Hamburg Hamlet. We are speaking on behalf of the New Hamburg Neighborhood Association with respect to a specific concern that Andrea will be getting into some details on. We feel it is an appropriate discussion this evening since we had a really fascinating discussion on the bridge and how it affects bats and quality of life. While she is presenting, I will hand out some materials.

Andrea Sayago: Thank you for taking the time to listen. We live on 4 Main St. in New Hamburg. There are actually a number of New Hamburg people here tonight that are part of the New Hamburg Association and we are here to discuss with you and to bring to your attention, a very significant issue relating to the increase use and harm caused by the New Hamburg Terminal, which is the Bottini Oil tanks which are located on 17 Point Street. I'm just going to give a description. I've prepared a list for you of all the things we are experiencing. Over the past two or three years, the use of the New Hamburg Terminal by Bottini Fuel has increased. Historically, as recent as three years ago, the Terminal was used at a much lower volume and was not utilized by 18 wheelers. The volume use of the New Hamburg Terminal has steadily increased to upwards of 80 trucks a day. That is 160 trips in and out of New Hamburg on a daily basis. They come in and out and travel on our Hamlet's small and narrow roads and obviously it is a very dense populated residential neighborhood. The volume of the truck traffic is very high. The types of heavy trucks utilizing our streets and the number of trips in and out of the terminal is creating significant traffic hazards within the Hamlet. It's creating an excessive amount of noise, emissions, congestion, noise pollution and a physical danger to the citizens of the town. The types of trucks we are seeing are large oil delivery trucks and in addition we are also seeing the large 18 wheeler tanker trucks and the operating hours of these trucks coming in and out is early as 3:30 AM and typically starts around 3:30 AM and 5 AM and is a regular volume of trucks through 8 PM and this is 7 days a week. It's constant. The average trips per day, on an average of 10 trips in and out of the terminal each hour. Periodic use at 15 to 20 trips within an hour. I also recorded the traffic in and out of the town. I provided a truck log for you.... The other part of this is this is not just seasonal, these trucks come all year around. They are not small trucks, they are large 18 wheelers and delivery trucks as well. The next thing we wanted you to know is that they are using the small narrow town roads to access the terminal and depending on the type of truck, it affects the route they take. The regular oil delivery trucks typically come in over

Bridge Street and on to Main Street and a left on Point and right down to the terminal, but the 18 wheelers take a different route. They come down over Bridge Street and make a very hard left turn, almost 180 degrees down into where the railroad station is and then all the way around Railroad Avenue and up River Road into the terminal and when they come out, they go left out of the terminal and then come up around, making a big circle. The routes the 18 wheelers have to take is to make a huge sweeping turn in order to fit into these roads and the normal traffic has to stop and get out of the way to make room for them. The roads are small and it is pretty densely populated neighborhood with a lot of homes. There are a lot of families and a lot of kids. The risk to pedestrians is significant, particularly in the warmer months. We've also noticed that the trucks that are utilizing the terminal have to do a significant amount of maneuvering in and out in order to actually fit in the terminal and often these trucks have to back and forth, in and out and it makes a lot of noise. We see a lot of the trucks lined up on the street on River Road and Point Street into White's Marina and they used to line up on Point Street, but they have now lined up further to the marina, but there are still people's homes right there and they are sitting in front of with their trucks. The traffic laws are not being obeyed. They are coming into town at a rapid speed and don't always stop for the stop signs. The noise is unbelievable!

Supervisor Tancredi: I have received a couple of phone calls from residents over the last six months. How long has this increase been?

Andrea Sayago: The last two years.

Councilman Baisley stated that he thought the reason for more traffic was because a terminal across the river closed, there were more streets affected by this than she had pointed out, and he thought that the number of trucks daily was even more than Ms. Sayago had indicated. Also that there used to be a barge every 15 days and now its every 4 days.

Andrea Sayago: We hear that also, it measures 50 decibels from my porch. They also have huge spot lights on the barge that shine into my property.

Ed Sayago: There is a notion that the increased use is consistent with the non-conforming use or pre-existing use nature of the site.

Andrea Sayago: Before I finish, I think it is also important to let you know about the oil barge because the oil barge comes about twice a week and I have had conversations with Mark Bottini and he does not return my calls or texts any longer. It's a loud constant hum for 6 to 8 hours, which is not really a hum, the decibels are in excess of 50 decibels and that is from my home, which is much further than 50 feet. It's unbearable. I have to wear earplugs to sleep. The other thing to note is the idling, it is constant.

Discussion continued between Ms. Sayago and members of the Board for several minutes. Councilman Baisley said that the situation and a remedy was being looked into already. It was suggested that a meeting with Neil Wilson should be set up.

Supervisor Tancredi: We are aware of some of these issues and it is a matter of trying to put a case together and determine the best way to stop it. We dealt with similar issues with Trap Rock and we will continue to move on this. We will certainly take all of the information you have and will look into it.

Stacey Mesler, New Hamburg said that it appeared to her that the Town was taking this very seriously. Aside from the noise she also wanted to impress upon the Board of the danger to New Hamburg children walking the roads, riding their bicycles or waiting for their school buses. She has seen the children dodge out of the way while waiting for the school bus. She said that the children in New Hamburg are in danger.

Andrea Sayago: We have called the police department to complain about violations of the noise ordinance and the Police Officers told him "We can't do anything about it because he has a right to do it." How is that possible?

Supervisor Tancredi: I'll look into that, that's not necessarily the case.

The Supervisor requested the people of New Hamburg to give him their names and phone numbers so that they could follow up on this.

Andrea Sayago: "The pre-existing non-conforming use that he is claiming that he has for the New Hamburg Terminal that was grandfathered in in 1988, when the Zoning Law for R and H in that part of New Hamburg, the use that he is permitted to have was gauged at that time. That's 1988 and that is the level of use he is legally obligated to operate under and he is not permitted to expand his use without getting a variance and he has done nothing. We've actually contacted the Town, made a FOIL request and there is NOTHING. He also changed the gate and moved utility poles. How does he do that without permits? It's concerning to me about his ability to act without having to follow---

The Supervisor said he thought Central Hudson moved them.

Councilman Baisley: Right, Central Hudson moved them at our request. They put a whole new gate on at the same time and we didn't ask for the new gate.

Andrea Sayago: They moved the gate to accommodate more 18 wheelers.

Supervisor Tancredi stated that they would look into it and see what they could do.

Councilman Krakower thanked Andrea for coming out and giving the Board her important input.

Polly Myhrum, New Hamburg also spoke on the New Hamburg truck situation. She did mention that the Police Department did work with them.

Susan Barbarisi: Spoke about New Hamburg, (the same subject) and also spoke about the air pollution there. She stated this is a long term issue and it should be discussed in that way, not temporary.

Brooke Thomas: We are two students from Vassar College (She came to discuss the deer culling conducted by Vassar College. As a science student at Vassar, she wished to provide a brief background to show there is definitely a disagreement within the school about the necessesity of these killings.)

I took part a few years ago in a course that was required for all Biology students and we actually took part in a study that was used by the College to determine that there should be a deer killing, and found results that showed a lot of room for a lot of factors outside of deer affecting the relative differences and actually a study was done by the students they found that there wasn't a significant difference between enclosed and open areas. Although our college has been presenting this as kind of a scientifically sound and factual thing that there is an over population of deer on this property, it's still very much up for debate. The other thing I would like to note with this is there is a biologically recognized phenomenon known as the compensatory rebound affect whereby if there is a big reduction in the size of a population they can maintain a steady count of 60 herd members if there is enough land and resources and if a big number of reduction in size, like our college has done three times, they actually start having twins and triplets to compensate and that is why, despite having conducted these two deer killings in about a 4 or 5 year period, before this third killing, the number was actually above where it had before the first killing. So, what our college is doing is definitely not a very sound thing or long term solution. But, what we do know is that firearms and Vassar has failed publicly to make known what specific makes of firearm is being used, but we do know that firearms can have bullets that can travel up to two to two and a half miles and that the farm property is never more than a .4 miles from homes and roads. So, there is a huge public safety risk even if it is "professionals" who are doing the shootings. We also know, as it has been mentioned with the Town Ordinance, which to my understanding, it generally pretty rigorously enforced and the Town has failed to enforce its own ordinance -

Supervisor Tancredi: That's not accurate. I'm going to let you speak, but I'm not going to let you say something as fact, that is not accurate. The Town will enforce its noise ordinance and the Town can't enforce it before it's happened, which is what we were asked to do and secondly, during this particular cull, our Police Department did not receive one complaint for noise. As I understand it, the agency that was doing the cull, used sound muffling devices, so there was no noise.

Councilman Krakower: Just to be clear, the Town of Poughkeepsie has no involvement in this at all. This is completely Vassar College doing what Vassar College --- The Town Board hasn't taken a position in favor of it. Personally I'm not in favor of it, I'm not a big fan of it, but in reality, this is not a Town of Poughkeepsie thing. We get roped into it through litigation, but the enforcement of our Noise Ordinance before someone makes a noise is something we can't do. Your campus and school is the one's that chose to do it, not the Town...

Brooke Thomas: Well, to my understanding since this is an event that we know has been happening, basically every other year and to my understanding my school has notified if not you all, then the Town of Poughkeepsie Police in advance... my college should be receptive to the Town laws and the permit that my school has received from the DEC does not supersede the local laws and because this event is announced in advance and for good reason, the Town could say that "We believe these shootings are in violation of our ordinance".

Bob Balkind: I'm speaking in my capacity as Deputy Commissioner of Public Works. Some of the issues that were raised with New Hamburg, I think it is important just to note for your information and for the information of the constituency here, Dutchess County Department of Public Works with support of the Dutchess County Legislature approved funding for rehabilitation of the Wappinger's Creek Bridge, County Route 28, New Hamburg Bridge, as it goes over the Wappinger's Creek, back in the spring of 2014 money was authorized through the legislature they had the foresight to authorize that money because the bridge was subject to a -initially it was subject to a closure, we had a significant structural issue with that bridge about a year and a half ago and we had to close the bridge and then we were able to open it to a limited load posting, essentially a 12 ton posting limit right now, which means small commercial vehicles can over, passenger cars, pickup trucks, but not a lot of vehicles much bigger than pickup trucks can go over that. Full size school buses can't go over that bridge safely right now. I can't speak to the volume of trucking that's going on at the oil terminal, but I can speak to the large truck traffic meandering through the streets, which is obviously a safety issue. Dutchess County DPW is working with one of our design consultants and we expect to have the plans for that bridge completed for the rehabilitation in the Fall of 2015 and we will go out to bid and build those improvements in 2016. I can't tell you now because it is very early in the design process. I can't tell you if the bridge will be entirely closed during that construction period or if it will be open partially to traffic while it is being rebuilt. But, after 2016 when the work is completed, the heavy truck traffic should be back using County Route 28 and not having to meander through the hamlet streets to get to the terminal and I'm not saying that to try to placate people's concerns about safety, because it is a significant concern of the village, I'm just offering it as information. Hopefully the traffic issue on the Hamlet streets will be, although a bit long term will ultimately be fixed when the bridge is rebuilt and reopened.

Councilman Baisley: No Offense, that's not going to help the village at all. It will help the Channingville- Main Street corridor going into the village, but it's not going to help the Hamlet.

Bob Balkind: I understand there will still be noise and other concerns. The bridge project is not being done to help those problems folks are having. Truck traffic will not be going over the old railroad bridge and it will be on the main bridge where trucks belong, but I understand it's not going to eliminate the noise or the air pollution or the disturbance, but it just might take some of those heavy trucks off of some of the village streets. Just for a point of information. Also, when the big bridge is reopened to full traffic, there could be some mechanism whereby the other bridge is restricted from heavy trucks and may force the trucks to go on the big bridge.

Diane Levitt: I just wanted to point out, I believe he thinks the terminal is the one on Route 28 and he doesn't understand that the main terminal is over the railroad bridge and so I just wanted to state that for clarification.

Supervisor Tancredi: Motion made to resume the rules. Seconded by Councilman Conte

CARRIED: 7-0

Supervisor Tancredi: Motion made to adjourn the meeting, Seconded by Councilman Conte

CARRIED: 7-0

TOWN BOARD MEETING CLOSED AT 8:23 PM

FS:lm